

Revised

TRANSCRIPT OF PROCEEDINGS

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of:

Pendelton C Waugh, Et al

EB Docket No. 07-147

RECEIVED

2007 OCT -3 PM 3:01

100-07147

DATE OF HEARING: SEPTEMBER 12, 2007 VOLUME: 1

PLACE OF HEARING: WASHINGTON, D.C. PAGES: 1-35

NEAL R. GROSS & CO., INC.
1323 RHODE ISLAND AVENUE, NW
WASHINGTON, D.C. 20005
TELEPHONE (202) 234-4433

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
PRE-HEARING CONFERENCE

In the Matter of:

PENDLETON C. WAUGH,
CHARLES M. AUSTIN,
AND JAY R. BISHOP

EB Docket No.
07-147

PREFERRED COMMUNICATION
SYSTEMS, INC.

File No..
EB-060IH-2112
NAL/Acct No.
200732080025

Licensee of Various
Site-by-Site Licenses
in the Specialized
Mobile Radio Service

FRN No. 0003769049

PREFERRED ACQUISITIONS,
INC.

FRN No. 0003786183

Licensee of Various
Economic Area Licenses
in the 800 MHz
Specialized Mobile
Radio Service

Wednesday, September 12, 2007

The pre-hearing conference came
to order at 9:30 a.m. in room TWA-363 of the
Federal Communications Commission, 445 12th
Street, SW., Washington, D.C.

BEFORE

The Honorable Arthur I. Steinberg,
Administrative Judge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

APPEARANCES:

On Behalf of Pendleton C. Waugh:

WILLIAM D. SILVA, ESQ.
GERALD ZUCKERMAN, ESQ.
5335 Wisconsin Avenue, NW
Suite 400
Washington, DC 20015-2003
(202) 362-1711

On Behalf of Charles M. Austin, Preferred
Communication Systems, Inc., and Preferred
Acquisitions, Inc.:

ROBERT J. KELLER, ESQ
PO Box 33428
Farragut Station
Washington, DC 20033-0428
(202) 223-2100

DAVID J. KAUFMAN, ESQ.
1301 Connecticut Avenue, NW
Suite 450
Washington, DC 20036
(202) 887-0600

On Behalf of the Enforcement Bureau:

GARY OSHINSKY, ESQ.
ANJALI K. SINGH, ESQ.
Investigations and Hearings Division
Enforcement Bureau
445 12th Street, SW
Room 4-A335
Washington, DC 20554
(202) 418-2529

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 P-R-O-C-E-E-D-I-N-G-S

2 9:33 a.m.

3 ADMIN. JUDGE STEINBERG: Let's go
4 on the record please. We're on the record
5 now. This is a pre-hearing conference in EB
6 Docket No. 07-147 which was designated for
7 hearing by Order to Show Cause and Notice of
8 Opportunity for Hearing FCC 07-125 released
9 July 20th, 2007.

10 Nine separate issues were
11 specified for hearing. Without going into
12 any details, the issues delve into questions
13 relating to undisclosed real parting
14 interest, unauthorized transfer of control,
15 misrepresentation, lack of candor, the
16 effect of felony convictions upon basic
17 qualifications, Section 1.6 violations,
18 failure to respond fully and completely to
19 official requests for information and
20 whether the operation of certain facilities
21 was discontinued for more than one year.

22 Ultimately, it must be determined

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 whether the individuals and entities in
2 question are qualified to be and remain
3 Commission licensees and whether certain
4 authorization should be revoked.

5 In addition, the Order to Show
6 Cause authorized the imposition of
7 forfeitures to the alleged violation of a
8 number of Commission rules and provisions of
9 the Communications Act.

10 By Order FCC 07M-26 released July
11 26th, 2007, this case was assigned to me and
12 the initial pre-hearing conference was
13 scheduled for this morning.

14 Let me first state the
15 appearances for the parties.

16 For Pendleton C. Waugh, if I'm
17 pronouncing that correctly?

18 MR. SILVA: I believe you are.
19 William Silva and I'll be assisted by Gerald
20 Zuckerman.

21 ADMIN. JUDGE STEINBERG: Thank
22 you. For Charles M. Austin?

1 MR. KELLER: Yes, Robert J.
2 Keller and with David Kaufman to my right
3 and we're also representing the two
4 Preferred companies.

5 ADMIN. JUDGE STEINBERG: Okay.
6 So, Preferred Communication Systems, Inc.
7 and Preferred Acquisitions, Inc.

8 MR. KELLER: And Charles Austin.
9 Yes.

10 ADMIN. JUDGE STEINBERG: And
11 Charles Austin. Okay.

12 For J. R. Bishop, let the record
13 reflect no response and he did file a Notice
14 of Appearance on August 21st and as I stated
15 before we got on the record that I received
16 an e-mail from him late last night. It's --
17 enclosed is a statement for the
18 record/declaration in which he says he can't
19 attend the conference today and he can't
20 hire an attorney.

21 He says "I do not currently, nor
22 have I ever, owned any stock in Preferred

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Communications Systems, Inc. I have not
2 worked as a consultant for the company for
3 nearly 6½ years."

4 And he agrees to adopt the
5 procedural schedule that we agree on today
6 and he gives his mailing address, home and
7 fax phone numbers and e-mail address and I
8 will check to see whether the counsel for
9 the parties have been cc'd on this e-mail
10 and if they haven't, I will forward the e-
11 mail to them. There's certificate of
12 service attached to it. It's just a two-
13 page document.

14 Okay. Now, for the Chief of the
15 Enforcement Bureau?

16 MR. OSHINSKY: Your Honor,
17 Gary --

18 ADMIN. JUDGE STEINBERG: Please
19 stand.

20 MR. OSHINSKY: Gary Oshinsky and
21 Anjali Singh representing the Enforcement
22 Bureau.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE STEINBERG: Okay.
2 Thank you. Let me first review what I have
3 pending in front of me. See if we're all on
4 the same page.

5 First, I've got the Enforcement
6 Bureau's Motion for Adopting of Model
7 Protective Order which was filed on August
8 22nd.

9 What I -- I'm not going to do
10 anything on that, but what I suggest you do
11 is now that everybody's represented, that
12 you get together with other counsel and see
13 if you can all agree on something and rather
14 than having any comments or anything on the
15 Motion for the Model Protective Order, see
16 if you can work something out and if you
17 can't, then we can file comments on the
18 model and then I can decide. I think it's
19 better if you all agree to something.

20 MR. OSHINSKY: Your Honor, I would
21 just note for the record that the motion's
22 been pending for some time and no objection

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 has been filed.

2 ADMIN. JUDGE STEINBERG: Well,
3 counsel just filed Notices of Appearance a
4 couple of days ago and I don't think that
5 this is something that Mr. Waugh and Mr.
6 Bishop and Mr. Austin would pay much
7 attention to, I don't think.

8 MR. OSHINSKY: Okay.

9 ADMIN. JUDGE STEINBERG: Even --

10 MR. KELLER: I also -- Your
11 Honor, I also think by my calculation
12 technically an opposition wouldn't be due
13 until tomorrow --

14 ADMIN. JUDGE STEINBERG: Okay.

15 MR. KELLER: -- if you count by
16 the normal rules.

17 ADMIN. JUDGE STEINBERG: Well,
18 it's four plus three.

19 MR. KELLER: Ten plus three I
20 believe. It's an opposition to a motion.
21 So.

22 ADMIN. JUDGE STEINBERG: No. No,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we will go by 1.294. Four point. Sorry.
2 Four plus three. It's an interlocutory
3 request. We don't go by the --

4 MR. KELLER: Okay. Okay. Got
5 you.

6 ADMIN. JUDGE STEINBERG: No, not
7 by 1.45.

8 MS. SINGH: Yes, Your Honor,
9 actually, according to Bureau counsel's
10 calculation, the response to the motion
11 would have been due Tuesday using the ten
12 plus three not counting --

13 ADMIN. JUDGE STEINBERG: Yes, but
14 I think it's better if you can work
15 something out and given that the notices of
16 -- I mean I would prefer that you deal with
17 counsel rather than their clients and I
18 think it's -- if you can work something out,
19 that's great. If you can't, then I'll allow
20 them leave to file comments if they want to.

21 MS. SINGH: Thank you, Your
22 Honor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE STEINBERG: Second
2 thing I have is a petition to intervene
3 which was filed by somebody named Charles D.
4 Guskey G-U-S-K-E-Y on August 31st. He shows
5 service only to the Bureau. Do you -- Mr.
6 Keller or Mr. Silva, do you know about that?

7 MR. KELLER: We're familiar with
8 it. Yes, we know. We know the pleading.

9 ADMIN. JUDGE STEINBERG: Okay.

10 MR. KELLER: It's available on
11 the on-line system and I don't know whether
12 you'd like me to serve --

13 ADMIN. JUDGE STEINBERG: Mr.
14 Silva?

15 MR. SILVA: I'm not, Your Honor,
16 but we'll try to get up to speed as fast as
17 possible.

18 ADMIN. JUDGE STEINBERG: Okay.
19 This is -- I think this was -- yes, this is
20 in the ECFS system and responses will be due
21 today.

22 The Bureau already responded.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 They opposed the motion in a filing filed
2 yesterday.

3 MR. KELLER: We do not intend to
4 file anything one way or the other on that,
5 Your Honor.

6 ADMIN. JUDGE STEINBERG: Okay.
7 And, Mr. Silva, if you decide what you're
8 going to do with this, could you just give
9 me a phone call or an e-mail and let me know
10 please.

11 MR. SILVA: Yes.

12 ADMIN. JUDGE STEINBERG: And then
13 if there's nothing further filed, then I'll
14 rule and if there is something further
15 filed, then I'll look at that and rule.

16 Then there's a Motion to Defer
17 Deadline for Requests for Admission filed by
18 Mr. Austin and Preferred Communications and
19 Preferred Acquisition and basically which
20 was filed on -- it's the 10th of September
21 and what they're basically saying is what we
22 should do is roll in a date for responses to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Requests for Admissions and the procedural
2 schedule.

3 And did you see that one?

4 MR. OSHINSKY: We did see it.

5 MS. SINGH: Yes, we did.

6 ADMIN. JUDGE STEINBERG: Okay.

7 Well, we can talk about that one later. If
8 you have an objection then, we can deal with
9 it.

10 Now, before we go to the dates, I
11 have a -- it may be a stupid idea. It may
12 be a brilliant idea. Given my track record,
13 it's probably a stupid idea.

14 In the hearing designation order,
15 actually, I expected you to fully disagree
16 with that. In the hearing designation order
17 in paragraph 50, they're talking about the
18 lack of operation of the PCSI licenses.
19 It's on page 18 and it says that, towards
20 the bottom of the page, as to this matter
21 the only issue for the presiding judge to
22 determine is whether the licensee continued

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the operation of its licenses for more than
2 one year.

3 Then you go to the top of the
4 page -- the top of paragraph 50, it says by
5 operation of law, a wireless licensee's
6 license is canceled for discontinuation if
7 the licensee has failed to operate its
8 licenses for over one year and not obtained
9 permission from the Commission to
10 discontinue such operations.

11 It occurred to me that why don't
12 we just try that issue and forget about all
13 the rest and if it's determined that there
14 was a discontinuation, then the licenses
15 automatically cancel. If it's determined
16 that it wasn't a discontinuation, then we
17 can try all the other issues and save
18 ourselves a lot of time and effort and
19 money.

20 Anybody want to talk about that
21 or you want to think about that?

22 MR. KELLER: Your Honor, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 primary reason why that might not work is
2 I'm not sure that this -- in fact, I'm
3 fairly sure this is not the universe of
4 licenses at issue in this hearing.

5 MR. OSHINSKY: That's right.

6 MR. KELLER: So, even if you were
7 to rule adversely to us on that, there would
8 still be other licenses that are not
9 affected by this issue.

10 ADMIN. JUDGE STEINBERG: Okay.

11 MR. OSHINSKY: I can explain very
12 briefly. This -- the OSE concerns two sets
13 of licenses. One set is certainly governed
14 by the paragraph 50 that you just read and
15 that's part of our allegations, our charges.
16 The other set is subject to a waiver which
17 is --

18 ADMIN. JUDGE STEINBERG: Okay.

19 MR. OSHINSKY: -- currently
20 before the Wireless Telecommunication
21 Bureau. It has not been ruled on. In fact,
22 there's not in a posture to be ruled on and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we're asking you to make certain findings of
2 fact in regard to that, but not the ultimate
3 decision.

4 MR. KAUFMAN: Can you speak up?

5 MR. OSHINSKY: I'm sorry.

6 MR. KAUFMAN: Can't hear you.

7 MR. OSHINSKY: I'm saying simply
8 that the OSE refers to two different sets of
9 licenses. One are site-by-site licenses
10 which are governed by paragraph 50 which
11 would be affected by paragraph 50, and the
12 other set are a set of auctioned licenses
13 which are currently subject to a waiver
14 request which is pending before the Wireless
15 Telecommunications Bureau.

16 MR. KAUFMAN: And that you're not
17 governed by 90.157.

18 MR. OSHINSKY: Right. Would not
19 be governed.

20 ADMIN. JUDGE STEINBERG: Okay.

21 MR. OSHINSKY: Because there's no
22 allegation that they were ever operated and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the only question involved surrounds the
2 proffer and the waiver for -- the request
3 for a waiver.

4 ADMIN. JUDGE STEINBERG: Okay.
5 Yes. Yes, and I'm -- my -- the hearing in
6 that issue on the waiver is limited to just
7 whether the acts alleged in the waiver
8 requests are truthful basically.

9 MS. SINGH: Yes.

10 MR. OSHINSKY: That's right.

11 ADMIN. JUDGE STEINBERG: And then
12 -- okay. That I picked up.

13 Okay. So, my brilliant idea for
14 shortening the hearing proved to be less
15 than brilliant.

16 Okay. What type of discovery is
17 being contemplated? Now, you've already
18 filed requests for admission of facts and
19 genuineness of documents and then is anybody
20 planning interrogatories?

21 MR. OSHINSKY: Yes, Your Honor,
22 we are.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE STEINBERG: Okay. I
2 have trouble with interrogatories in that
3 usually they're not answered by the people
4 that really have the knowledge, but they're
5 answered by the lawyers and they're answered
6 in such a way that you really don't get
7 answers.

8 I'm inclined to say use -- to
9 limit interrogatories. Use to only -- for
10 the only purpose of identifying individuals
11 with personal knowledge of the facts. Then
12 when you figure out who's got personal
13 knowledge of the facts, go out and depose
14 the people because then you get the answers
15 from them and then there are the objections
16 to the interrogatories and the Motions to
17 Compel and the oppositions to the Motion to
18 Compel. It's very inefficient.

19 MR. OSHINSKY: Your Honor, I
20 would -- I'd say that -- on behalf of the
21 Bureau that the questions here are very,
22 very fact based and the more that we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 flesh out those facts ahead of time even
2 before depositions, will limit the amount of
3 -- limit the length of the depositions and
4 will also very probably limit the length of
5 the hearing. So, I understand your thinking
6 because it is true that a lot of times all
7 you get is a legalistic formation rather
8 than an actual answer, but here we have so
9 many documents that are pending. So many
10 documents that may require identification at
11 deposition and so many documents that may be
12 entered in at hearing. I would ask that we
13 be allowed to expand our interrogatories
14 beyond what Your Honor suggests.

15 ADMIN. JUDGE STEINBERG: Any
16 comments?

17 MR. KELLER: No objection one way
18 or the other on that, Your Honor.

19 ADMIN. JUDGE STEINBERG: Mr.
20 Silva?

21 MR. SILVA: We do not object
22 either, Your Honor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE STEINBERG: Okay.
2 Then we'll do it the regular way. Gosh, I'm
3 going dry. This happened the last time I
4 was here, too.

5 Anybody plan requests for
6 document production?

7 MR. OSHINSKY: Yes, we do, Your
8 Honor.

9 MR. KELLER: We would certainly
10 plan that as well, Your Honor.

11 ADMIN. JUDGE STEINBERG: Okay.
12 You know that the document production you
13 really can't file against the Bureau.

14 MR. KELLER: Well, we -- it
15 depends on the -- I think we can ask for
16 production of documents. Whether it's going
17 to be formally a request for production or
18 whether we have to go through FOIA is a
19 different story, but in particular, we would
20 be looking for any documents provided by
21 outside sources not by -- but, I understand
22 it would be subject to the normal privileges

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and objections and we would go through the
2 proper procedures. If it needs to be by
3 FOIA, we would go by FOIA.

4 ADMIN. JUDGE STEINBERG: I think
5 it has to be by FOIA if I remember.

6 MR. KELLER: But, we do -- I mean
7 obviously, the Bureau has the burden of
8 proceeding and the burden of proof here.
9 So, we suspect there's going to be more
10 discovery on their end, but assume we're
11 going to set dates here and we may
12 participate in one or more of these very
13 responsive discovery areas. So, we will
14 abide by the --

15 ADMIN. JUDGE STEINBERG: Okay.

16 MR. KELLER: -- schedules we all
17 agree to here.

18 ADMIN. JUDGE STEINBERG: Do you
19 know, Mr. Silva, what you're planning --

20 MR. SILVA: Oh, we have no
21 present intention to seek documents, but
22 since we're so new to the case, Your Honor,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 we reserve the right to change our mind on
2 that.

3 ADMIN. JUDGE STEINBERG: Sure.
4 Okay. Just a general statement with respect
5 to discovery. I'd appreciate it if you'd
6 all make a good faith attempt to work out
7 your differences among yourselves.

8 Serious and genuine effort should
9 be made to reach a compromise with each
10 other if there's a dispute.

11 I don't want anybody coming to me
12 for a ruling on a discovery matter without
13 first attempting to reach an agreement.
14 Come to me only for ruling only if there's
15 been a complete inability to reach an
16 accommodation.

17 In this connection, any request
18 for a ruling on a discovery matter has to
19 include a certification that counsel for the
20 parties involved made a good faith attempt
21 to resolve the dispute but could not do so.
22 I think that's -- I've stolen that I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from the fair rules and I think it's a good
2 idea.

3 Just don't get so mad at each
4 other that you don't talk anymore.

5 Any other matters that we have to
6 talk about before we go off the record to
7 talk about dates?

8 MR. KELLER: While we're on that
9 last point, Your Honor, what is your
10 preference on -- related to that?
11 Situations where counsel for the various
12 sides agree on extensions of time and that
13 sort of thing. Can we just let you know or
14 do we have to file a motion?

15 ADMIN. JUDGE STEINBERG: I love
16 it. I love it.

17 MR. KELLER: And if we agree to
18 an extension, can we just --

19 ADMIN. JUDGE STEINBERG: If you
20 can agree to do it informally --

21 MR. KELLER: And then we don't
22 need to ask you for a specific ruling.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Okay.

2 ADMIN. JUDGE STEINBERG: No, just
3 let me know or file a statement for the
4 record.

5 MR. KELLER: All right.

6 ADMIN. JUDGE STEINBERG: Or just
7 something --

8 MR. KELLER: Got you.

9 ADMIN. JUDGE STEINBERG: -- that
10 lets everybody know. The more you can agree
11 the happier I am and I can stay in my
12 office.

13 In terms of pleadings, I don't
14 get stuff the way we used to get stuff and
15 there's a lot of stuff that comes in I don't
16 see or I wouldn't see. So, if you could
17 provide me with courtesy copies of all
18 pleadings filed in the case.

19 The Bureau usually has a stamped
20 copy hand carried to me on the day of
21 filing, but if the other parties could just
22 fax me courtesy copies showing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 secretary's stamps and then I know it's
2 filed.

3 Mr. Keller, you filed something
4 electronically.

5 MR. KELLER: Yes, but you should
6 have found on the back of it a
7 certification.

8 ADMIN. JUDGE STEINBERG: Yes, I
9 did. That's the first one of those I've
10 seen.

11 MR. KELLER: Yes.

12 ADMIN. JUDGE STEINBERG: You know
13 if -- just some proof that it's been filed.
14 Because they sometimes don't wind up in the
15 ECFS for weeks and then I won't -- and I
16 don't know if it's actually filed or not and
17 I don't care if you -- you don't have to get
18 it to me on the day of, but if you get it to
19 me within a day or two, just so I know
20 something exists.

21 MR. KAUFMAN: Can I ask a
22 question? Is that faxed copy is that in